



Guinea-Bissau

Country Reports on Human Rights Practices - [2003](#)

Released by the Bureau of Democracy, Human Rights, and Labor
February 25, 2004

Guinea-Bissau is a multiparty republic. A September 14 military coup led by Defense Chief Verrisimo Correia Seabraor resulted in the September 17 resignation of former President Kumba Yala and delayed the country's transition to democracy. Prior to September 14, Yala, who was elected in 2000 with a 72 percent electoral majority, had repeatedly postponed new legislative elections and refused to veto or promulgate the new constitution, which was approved by the National Assembly in 2001. Impulsive presidential interventions in 2002, including the dismissal of the Prime Minister, the dissolution of the National Assembly, the dismissal of two Supreme Court Presidents, and the appointment of Prime Minister Mario Pires to lead a caretaker government that ruled by presidential decree exacerbated divisions within the Government. On October 3, the military appointed two civilians, Henrique Rosa and Arthur Sanha, to become Head of State and Prime Minister respectively, for a transitional period. President Rosa subsequently named a 16-person government including 11 ministers and 5 state secretaries. By year's end, the Committee had reconstituted itself as the National Council of Transition and expanded its membership to include representatives of political parties and civil society. The Constitution provides for an independent judiciary and for the Supreme Court to choose its own leadership; however, it was subject to political influence and corruption.

The police, under the direction of the Ministry of the Interior, have primary responsibility for the country's internal security. The armed forces are responsible for external security and can be called upon to assist the police in internal emergencies. In August 2002, the Government began a comprehensive program to restructure the armed forces, improve military living conditions, and demobilize approximately 4,000 active duty military personnel; however, the reinsertion and reintegration phases of the program were not implemented by year's end. The September military coup was the third time since the country's independence in 1974 that the military has intervened and acted independently of government authority. Some members of the security forces committed serious human rights abuses.

The population of approximately 1.3 million relies largely upon subsistence agriculture and the export of cashew nuts in a market economy. The formal economy broke down in 1998, and most of the country reverted to barter. In 2002, the country suffered a substantial slowdown in economic activity, and GDP declined 4.2 percent, primarily as a result of significantly lower levels of foreign assistance and a drop of approximately 30 percent in cashew prices in the international market. The country remained burdened by heavy external debt and pervasive underemployment. The Government's failure to pay the salaries of civil servants, teachers, and health care workers resulted in a 2-week general strike in March, a 1-week general strike in September, the closure of schools for most of the year, and the deaths of 28 patients in Simao Mendes hospital.

The Government's human rights record remained poor, and it continued to commit serious abuses; however, reports of abuse declined markedly after the September 14 coup. Members of the security forces continued to use beatings and physical mistreatment, and one person died in custody during the year. Impunity remained a problem. Prison conditions remained poor. Arbitrary arrest and detention, including of opposition leaders, journalists, human rights activists, and labor leaders were problems. The Government at times used incommunicado detention. The Government infringed on citizens' privacy rights. The Government used restrictions on freedom of speech and the press to intimidate the media; journalists regularly practiced self-censorship. The Government limited freedom of movement. Violence and discrimination against women were problems. Female genital mutilation (FGM) was practiced widely. Child labor, including some forced child labor, was a problem.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings; however, on March 9, Army Second Lieutenant Mussa Cassama died in detention from injuries inflicted during torture, according to Amnesty International (AI) (see Section 1.c.). Cassama was one of a group of officers and enlisted men arrested in December 2002 for allegedly plotting to overthrow the Government of former President Yala.

There were five reported deaths from landmine explosions during the year.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and evidence obtained through torture or coercion is invalid; however, the Government often ignored these provisions, and security forces beat, mistreated, and otherwise abused persons. Security and police authorities historically have employed abusive interrogation methods, usually in the form of severe beatings. The Government rarely enforced provisions for punishment of members of security forces who committed abuses.

Unlike in the previous year, no journalists reported abuse while in detention.

During the year, at Mansoa and Cumere Army Barracks, security forces reportedly beat, bound, and detained incommunicado a group of officers and enlisted men arrested in December 2002 for allegedly plotting to overthrow the Government of former President Yala. One of the individuals, Serifo Balde, was hospitalized in a coma as a result of the injuries inflicted during torture, and another detainee died (see Section 1.a.).

There were no new developments in the September 2002 beating by security forces of Rui Ferreira, a National Assembly Deputy of the opposition Resistencia Guinea Bissau Party (RGB), or in the case of Victor Mandinga.

Demining operations continued; however, landmines and unexploded ordnance resulted in numerous deaths and injuries during the year (see Section 1.a.). On April 25, two youths near the village of Portogole were severely injured by unexploded ordnance. In four separate incidents, landmines in Bissau, Sao Domingos, and Cacine injured numerous persons.

Prison conditions remained poor but generally were not life threatening. The country does not have formal prisons. Most prisoners were detained in makeshift detention facilities on military bases in Bissau and neighboring cities. Security forces beat, mistreated, and otherwise abused prisoners and at times used incommunicado detention. Detention facilities generally lacked running water or adequate sanitation. Detainees' diets were poor, and medical care was virtually nonexistent. Men and women were held in separate facilities, and juveniles were held separately from adults. Pretrial detainees were not held separately from convicted prisoners.

The Government generally permitted independent monitoring of prison conditions by local and international human rights groups. During the year, the Office of the Representative of the U.N. Secretary General (UNOGBIS) regularly visited prisoners and was instrumental in securing the release of some of the soldiers held incommunicado since December 2002. Following months of negotiations, the International Committee of the Red Cross and UNOGBIS were allowed to visit the seven remaining military personnel held incommunicado since December 2002.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, security forces arrested and detained persons without judicial authority or warrants, including opposition politicians, journalists, and human rights activists.

The country is divided into 37 police districts, each with its own police station; there are an estimated 600 police in the country. Since the 1998 civil war, police recruitment has not kept pace with attrition. Like most civil servants in the country, police have not been paid in up to 12 months. Corruption was rampant, and police generally were ineffective. There was a severe lack of resources and training.

The law provides for procedural rights, such as the right to counsel, the right to release if no timely indictment is

brought, and the right to a speedy trial; however, in practice the judicial system generally failed to provide these rights (see Section 1.e.). Police detained suspects without judicial authority or warrants.

During the year, the Government arrested and detained numerous journalists and other members of the media (see Section 2.a.). The Government also arrested numerous opposition leaders and a union leader who criticized the former President (see Section 2.a.).

During the year, prior to the September 14 coup, RGB leaders were harassed and detained for short periods (see Section 2.a.).

Four Senegalese detained in May 2002 still were being detained without trial at year's end.

There were no new developments in the 2001 case of Emiliano Nosolini, President of the Supreme Court, his deputy, and a senior accounting official.

Trials for the 17 persons accused in 2000 of attempting a coup were still pending at year's end.

The Constitution did not specifically prohibit forced exile; however, the Government did not use it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, judges were poorly trained and paid and sometimes were subject to political pressure and corruption. The Supreme Court was especially vulnerable to political pressure because its members were appointed by the President and often were replaced. The judiciary was subject to executive influence and control.

Former President Yala's failure to promulgate the amended constitution, which addressed the question of presidential authority to choose Supreme Court justices, heightened confusion surrounding the Supreme Court.

Civilian courts conduct trials involving state security. Under the Code of Military Justice, military courts only try crimes committed by armed forces personnel. Unlike in the previous year, there were no reports that military tribunals tried civilians. The Supreme Court was the final court of appeal for both military and civilian cases. The President has the authority to grant pardons and reduce sentences.

The Government harassed judges who made decisions viewed as unfavorable (see Section 2.d.).

In May, the Government reportedly transferred Judge Lima Antonio Andre to the city of Buba following his decision to release Marcelino Simoes Lopez Cabral, the former Minister of Defense, and Lobo de Pina, the former Adviser to the President for Political Affairs; both individuals had been detained without charge on April 29.

Citizens who could not afford an attorney had the right to a court-appointed lawyer.

Traditional practices still prevailed in most rural areas, and persons who lived in urban areas often brought judicial disputes to traditional counselors to avoid the costs and bureaucratic impediments of the official system. The police often resolved disputes.

There were no political prisoners.

f. Arbitrary Interference with Privacy, Home, or Correspondence

The Constitution prohibits such actions; however, the Government did not always respect these prohibitions in practice. The police did not always use judicial warrants. Unlike in the previous year, there were no reports that police searched private mail.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government frequently restricted these rights during the year. Opposition politicians had little or no access to government-controlled media. On September 9, the newly appointed Minister of Social Communication said in an interview that journalists should "clean" information originating from opposition parties. Journalists continued to practice self-censorship.

Numerous political leaders and journalists were arrested without charge during the year for exercising the right of free speech. For example, on February 8, Domingos Fernandes, co-founder of the RGB party, was arrested and detained for 48 hours; Fernandes had criticized a Supreme Court ruling that supported the RGB leadership of Salvador Tchongo. Also on February 8, Francisca Vaz Turpin, an RGB member of the National Assembly, was detained for 24 hours without charge for criticizing the President.

On March 21, police arrested and beat Indjai Dabo, the United Social Democratic Party (PUSD) representative in Sao Domingos, for having shown taped images of the arrival of PUSD leader Francisco Fadul, who had arrived to participate in legislative elections.

During the year, the security forces harassed or arrested the members of nongovernmental organizations (NGOs) who criticized the Government in the media.

On January 29, AI reported that security forces arrested and detained without charge Guinean Human Rights League (LGDH) Vice President Joao Vaz Mane. Mane, who was detained incommunicado, had criticized former President Yala in a radio broadcast for funding pilgrimages to Mecca for Muslim citizens. Mane alleged that such funding was illegal for a secular State and that the Government rather should pay the arrearages in civil service salaries. On February 19, Mane was released.

The privately owned Correio Guine-Bissau was published several times a week during the year. Weekly newspapers included Gazeta de Noticias, Fraskera, and the government-owned No Pintcha. All newspapers published only sporadically during the year due to financial constraints and dependence on the state-owned printing house. The national printing press, the only facility for publishing newspapers in the country, often lacked the necessary raw materials.

There were several independent radio stations. National television broadcasts from 7 p.m. to midnight on weekdays and 5 p.m. to midnight on weekends. Reportedly the government-controlled stations practiced self-censorship.

The Government continued to order all media organizations to cease publication of information relating to the LGDH.

On February 14, the Secretary of State for Communications suspended the broadcasting of privately-owned Radio Bombolom for "lack of professionalism in handling information." The radio station was reopened by court order after a finding that the Government's decision constituted "usurpation of power." Government authorities subsequently harassed and confiscated the passport of Caetano N'Tchama, the President of the Administrative Court (see Section 2.d.).

On March 11, the Secretary of State for Communication dismissed a journalist of the National Radio station for broadcasting the arrival from Portugal of former Prime Minister Francisco Fadul, leader of the opposition PUSD.

On September 6, four journalists of the community radio Sintcham Occo were arrested and detained without charge for reporting on a meeting of the "Plataforma Unidade," a coalition of opposition parties; the four were released following protests from human rights advocates.

The 2001 detention case against Adolfo Palma, a correspondent of the Portuguese news agency Lusa, was pending at year's end.

The Internet was available in the country, and the Government did not restrict its use.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected

these rights in practice. Permits were required for all assemblies and demonstrations. On occasion, the Government banned assemblies. For example, during the period between the September 14 coup and the September 28 formation of the National Council of Transition, civil society organizations were prohibited from holding demonstrations against the selection of Arthur Sanha as Prime Minister.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Ahmadiya, an Islamic religious group expelled from the country in 2001, was not permitted to return by year's end. Although the Government must license religious groups, there were no reports that any applications were refused.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, the Government limited them in practice.

Prior to September 14, the Government compiled a list of prominent political figures who were not allowed to leave the country or the city of Bissau, including: Carlos Vamin, Francisca Vaz Turpin, Helder Vaz, Domingos Fernandes, Alexandre Bucansil Cabral, and former Prime Minister Alamara Intchia Nhasse. Authorities also restricted travel and confiscated the passport of Caetano N'Tchama, the President of the Administrative Court who issued the court order to reopen Radio Bombolom (see Section 2.a.). N'Tchama also was denied medical evacuation during the year. All such restrictions were removed after September 14.

The law provides for the granting of refugee status and asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and grants refugee status or asylum. The Government has provided asylum to refugees from Liberia, Sierra Leone, and the Casamance region of Senegal. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. During the year, the UNHCR reported that approximately 7,700 refugees, mostly Senegalese citizens, were in the country. More than 6,000 of these refugees lived in villages along the country's northern border where they were integrated into the local economy and largely self-sufficient. Another 1,000 Senegalese refugees lived in camps and received assistance from UNHCR. There also were approximately 500 Senegalese, Liberian, and Sierra Leonean urban refugees. The UNHCR reported that the Government was tolerant of these refugees and permitted them to engage in economic activities to support themselves. Unlike in the previous year, there were no reports that refugees were arrested on the premises of the Adventist Mission in Bissau after having requested assistance.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully; however, this right was restricted on September 14, when the Army removed President Yala from power. Yala, who was elected in 2000, had repeatedly postponed new legislative elections and refused to veto or promulgate the new constitution, which was approved by the National Assembly in 2001; the new constitution limits presidential authority to name and dismiss armed forces service chiefs and ambassadors. In 2002, Yala dismissed Prime Minister Alamara Nhasse, dissolved the National Assembly, dismissed two Supreme Court Presidents, and appointed Mario Pires as Prime Minister to lead a caretaker government that ruled by presidential decree until the former President's September removal.

On September 14, after the scheduled October 12 elections were again postponed, Defense Chief Seabraor placed Yala under house arrest and established a 25-member, military "Committee for Restoration of Democracy and Constitutional Order." After negotiations with political parties and civil society organizations, and following pressure from the international community, the Committee appointed two civilians, Henrique Rosa and Arthur Sanha, to become Head of State and Prime Minister respectively, for a transitional period. On September 28, the Committee reconstituted itself as the National Council of Transition and expanded its membership to include 23 political party representatives and 8 representatives of civil society. On October 3, President Rosa named a 16-person government including 11 ministers and 5 state secretaries. A transition pact signed by coup leaders and political parties called for parliamentary elections to be held within 6 months and presidential elections 12 months after that. The draft constitution, which has yet to be promulgated, limits certain presidential powers, namely the authority to name and dismiss armed forces service chiefs and ambassadors.

In January 2000, voters elected former President Yala with a 72 percent electoral majority in a runoff election following multiparty elections in 1999. International observers, foreign diplomats, and local NGOs considered both elections, which included candidates from 13 parties as well as several independents, to be generally free and fair. Yala's party, the Partido de Renovacao Social (PRS), won 38 of 102 National Assembly seats. The victory of the PRS ended the 26-year domination by the African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC). The PAIGC won 24 of the 102 seats in the National Assembly, while opposition parties gained a majority.

Local elections have not yet been held in the country.

Prior to the dissolution of the National Assembly, there were 10 women among the 102 members. Prior to the September removal of Yala, there were three female ministers and two female State Secretaries (Junior Ministers). At year's end, 3 of the 11 governmental ministers were women.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views; however, the Government harassed and arrested NGO members for criticizing the Government in the media (see Section 2.a.).

Unlike in the previous year, the LGDH was not denied access to its headquarters.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution and law prohibit discrimination on the basis of sex and race; however, in practice, the Government did not enforce these provisions effectively.

Women

Domestic violence, including wife beating, was an accepted means of settling domestic disputes. Although police intervened in domestic disputes if requested, the Government had not undertaken specific measures to counter social pressure against reporting domestic violence, rape, incest, and other mistreatment of women.

FGM was practiced widely within certain ethnic groups, especially the Fulas and the Mandinkas. The practice has increased as the Muslim population has grown and was being performed not only on adolescent girls, but also on babies as young as 4 months old. The Government has not outlawed the practice; however, a national committee continued to conduct a nationwide education campaign to discourage FGM. Both international and domestic NGOs continued working through the national committee to eliminate FGM.

Sinin Mira Nassique, a local NGO, has initiated alternative FGM summer camps for young girls throughout the country. During the summer, 215 girls attended camps in Farim, Buba, and Gabu, where they experienced all traditional initiation rights except excision. The camps, which teach the dangers of FGM, also provide training in hygiene, sewing, embroidery, and other skills. During the year, 36 women who earned their living by practicing FGM, abandoned the practice and symbolically handed over their knives to the Sinin Mira Nassique.

The law prohibits prostitution, and it was not a problem.

Traditional and Islamic law do not govern the status of women. In principle, men and women were treated equally under the law.

Official discrimination against women is prohibited by law; however, such discrimination was a problem. Women are responsible for most work on subsistence farms and have limited access to education, especially in rural areas. Women do not have equal access to employment. Among certain ethnic groups, women cannot own or manage land or inherit property.

Children

The Government allocated only limited resources for children's welfare and education. A UNDP study conducted during the year indicated that 60 percent of school-aged children did not attend school; a similar study in 2000

indicated that 62 percent of such children were enrolled in school. The decline in school attendance was in large part a result of the school closures for most or all of the year.

The Government's failure during the year to pay the salaries of civil servants, teachers, and health care workers resulted in numerous strikes and the closure of schools (see Section 6.b.). The Government declared the school year a total loss for 75 percent of the school system.

FGM was performed commonly on young girls and sometimes even infants (see Section 5, Women).

The law provides for compulsory military service for persons between 18 and 25 years old; however, boys under the age of 16 could volunteer for military service with the consent of their parents or tutors.

Persons with Disabilities

The law does not specifically prohibit discrimination against persons with disabilities, and the Government does not ensure equal access to employment and education; however, there were no reports of overt societal discrimination. The Government has made some efforts to assist military veterans with disabilities through pension programs, but these programs did not address adequately veterans' health, housing, and food needs.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides all civilian workers with the freedom to form and join independent trade unions; however, the vast majority of the population worked in subsistence agriculture. Most union members were government or parastatal employees; only a small percentage of workers were in the wage sector and were organized.

The Government registers all labor unions. There were 21 labor unions registered and operating in the country. All unions officially were independent of the Government, but 15 unions were affiliated with the National Workers Union of Guinea-Bissau (UNTGB), which retained close informal ties with the PAIGC. The law does not favor UNTGB-affiliated unions over others. Six other unions were affiliated with the General Confederation of Independent Unions.

The law does not prohibit anti-union discrimination; however, no workers have alleged anti-union discrimination, and the practice was not believed to be widespread.

The Government arrested a union leader during the year for criticizing the Government (see Section 2.a.).

All unions were able to affiliate freely with national confederations and international labor organizations. The UNTGB was affiliated with the International Confederation of Free Trade Unions. Individual unions belonged to International Trade Secretariats.

b. The Right to Organize and Bargain Collectively

The Constitution does not provide for or protect the right to bargain collectively; however, the tripartite National Council for Social Consultation conducts collective consultations on salary issues and draft legislation concerning labor issues. Most wages were established in bilateral negotiations between workers and employers.

The Constitution provides for the right to strike and protection for workers from retribution for strike activities. The only legal restriction on strike activity was the requirement for prior notice. During the year, health workers, teachers, and television workers organized strikes to protest poor working conditions and unpaid salaries, with no government retribution against the strikers.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum age was 14 years for general factory labor and 18 years for heavy or dangerous labor, including all labor in mines. These minimum age requirements generally were followed in the small formal sector, but the Ministry of Justice and the Ministry of Civil Service and Labor did not enforce these requirements in other sectors.

The National Assembly has approved but not ratified ILO Convention 182 on the Worst Forms of Child Labor.

Children in cities often worked in street trading, and those in rural communities did domestic and fieldwork without pay; children generally performed such labor to help support families or because of a lack of educational opportunities. The Government did not take action to combat such practices by year's end.

e. Acceptable Conditions of Work

The Government's Council of Ministers annually establishes minimum wage rates for all categories of work; however, it does not enforce them. The lowest monthly wage was \$26.42 (14,800 CFA) per month plus a bag of rice. This wage was insufficient to provide a decent standard of living for a worker and family, and workers had to supplement their incomes through other work, reliance on the extended family, and subsistence agriculture.

The maximum number of hours permitted in a normal workweek without further compensation is 45, but the Government did not enforce this provision. The Government and private sector lacked the funds to pay salaries. Since 2000, the Government has failed to pay on a regular basis its teachers, civil servants, and medical practitioners (see Section 6.b.).

With the cooperation of the unions, the Ministry of Justice and Labor establishes legal health and safety standards for workers, which then are adopted into law by the National Assembly. However, these standards were not enforced, and many persons worked under conditions that endangered their health and safety. Workers do not have the right to remove themselves from unsafe working conditions without losing their jobs.

There were no legal protections for undocumented workers.

f. Trafficking in Persons

The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

* On June 14, 1998, the United States Embassy suspended operations in the midst of heavy fighting in Guinea-Bissau and all official personnel in the country were evacuated. This report is based on information obtained by U.S. embassies in neighboring countries, especially Senegal, from other independent sources, and regular visits to Guinea-Bissau by U.S. officials assigned to the American Embassy in Dakar. The American Ambassador to Senegal, resident in Dakar, is also accredited to Guinea-Bissau.